

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

PATRICK L. SHERMAN

PLAINTIFF

v.

Case No. 6:20-cv-06095

SERGEANT JOSH LINGO, *et. al.*

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed on March 22, 2021, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 6). Judge Bryant recommends this case be dismissed for Plaintiff's failure to keep the Court apprised of his current address and failure to prosecute the case. *Id.* Plaintiff filed a "reply" to the Report and Recommendation (ECF No. 7). The Court finds the matter ripe for consideration.

The Court may designate a magistrate judge to hear pre- and post-trial matters and to submit to the Court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1). After conducting an appropriate review of the report and recommendation, the Court may then "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge . . . or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1).

"[T]he specific standard of review depends, in the first instance, upon whether or not a party has objected to portions of the report and recommendation." *Anderson v. Evangelical Lutheran Good Samaritan Soc'y*, 308 F. Supp. 3d 1011, 1015 (N.D. Iowa 2018). Generally, "objections must be timely and specific" to trigger *de novo* review. *Thompson v. Nix*, 897 F.2d 356, 358-59 (8th Cir. 1990). The Court applies a liberal construction when determining whether *pro se* objections are specific. *Hudson v. Gammon*, 46 F.3d 785, 786 (8th Cir. 1995).

Pursuant to § 646(b)(1), the Court will conduct a *de novo* review of all issues related to Plaintiff's specific objections. Plaintiff objects to the finding that his complaint should be dismissed for failure to follow the Court's local rules and orders and failure to prosecute this case. After conducting a de novo review of the Report and Recommendation to which Plaintiff has objected, this Court finds the Objections offer neither law nor fact requiring departure from the Magistrate's findings.

Accordingly, the report and recommendation (ECF No. 6) is proper, contains no clear error, and should be and hereby is **ADOPTED IN ITS ENTIRETY**.

IT IS SO ORDERED, this 6th day of May 2021

/s/Robert T. Dawson
ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE